



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

fu

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 10/077,413 | 02/15/2002 | Thurein M. Htoo | 800189-11 (6829-60483) | 3281 |

7590 08/18/2003
Carpenter & Kulas, L L P
1900 Embarcadero Road
Suite 109
Palo Alto, CA 94303

EXAMINER

RINEHART, KENNETH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3749

8

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/077,413

Applicant(s)

HTOO ET AL.

Examiner

Kenneth B Rinehart

Art Unit

3749

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 19-24, 27-29, 51-54 and 57-61.Claim(s) objected to: 6-8, 12, 15, 33-35 and 45-48.Claim(s) rejected: 1-5, 9-11, 13-14, 16-18, 25, 26, 30-32, 36-44, 49-50, 55-56.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


Kenneth B Rinehart
Patent Examiner
AU 3749

Art Unit: 3749

The applicant's arguments have overcome the 35 USC 112 first paragraph rejection of claims 19-24, 27-29, 51-54, 60, 61. Regarding applicant's arguments concerning the term Juxtaposed. This term also means nearby. Given the claim its broadest reasonable interpretation the Rits reference reads on the claim language. Regarding applicant's arguments concerning the query. The Rits reference does not teach two filters with one made of steel and the other rubber, but two filters made of PVDF or PTFE, and nylon. Consequently, the applicant's argument is not pertinent. Regarding the applicants argument concerning the 35 USC 112 rejection of claim 30, the examiner does not believe the language "filter 34 would typically move or flex toward or against filter 36 and figures 6 and 7 support the a finding of fact that the filter has a flexed structure and that there is no absorbing material positioned between the two filters. Regarding the last item concerning claim 37, air is located between the two filters and this is an absorbing material.